

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-1269-MLM-E TCEQ ID: RN105156533 CASE NO.: 34222
RESPONDENT NAME: Stagecoach Properties, Inc. dba Stagecoach Inn

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input checked="" type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Stagecoach Inn, 401 South Stagecoach Road, Salado, Bell County

TYPE OF OPERATION: Motel and restaurant

SMALL BUSINESS: ☒ Yes ☐ No

OTHER SIGNIFICANT MATTERS: A complaint was received on January 24, 2007, regarding possible unauthorized outdoor burning. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.

COMMENTS RECEIVED: The *Texas Register* comment period expired on January 14, 2008. No comments were received.

CONTACTS AND MAILING LIST:
TCEQ Attorney/SEP Coordinator: None
TCEQ Enforcement Coordinator: Mr. J. Craig Fleming, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-5806; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171
Respondent: Mr. John Anderson, CEO, Stagecoach Properties, Inc., P.O. Box 97, Salado, Texas 76571
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input checked="" type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: January 24, 2007</p> <p>Date of Investigation Relating to this Case: January 29 and July 3, 2007</p> <p>Date of NOV/NOE Relating to this Case: February 9, 2007 (NOV) and July 13, 2007 (NOE)</p> <p>Background Facts: This was a complaint and a follow-up investigation.</p> <p>AIR/WASTE</p> <p>Failure to prevent unauthorized outdoor burning. Specifically, approximately 10 cubic yards of municipal solid waste material including vinyl siding, roofing material, metal, brush, and other debris were disposed of at the Site by burning on January 24, 2007 [30 TEX. ADMIN. CODE §§ 111.201 and 330.15(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$1,050</p> <p>Total Deferred: \$210 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$840</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, cease all unauthorized burning;</p> <p>b. Within 30 days after the effective date of this Agreed Order, remove all remains of the burn piles, vinyl siding, roofing material, metal, and other debris from the Site and dispose of the waste at an authorized facility; and</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a. and b.</p>

Additional ID No(s): N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

TCEQ

DATES

Assigned

16-Jul-2007

PCW

7-Aug-2007

Screening

19-Jul-2007

EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent Stagecoach Properties, Inc. dba Stagecoach Inn

Reg. Ent. Ref. No. RN105156533

Facility/Site Region 9-Waco

Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No. 34222

Docket No. 2007-1269-MLM-E

Media Program(s) Air

Multi-Media Municipal Solid Waste

Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000

No. of Violations 1

Order Type 1660

Enf. Coordinator J. Craig Fleming

EC's Team EnforcementTeam 3

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$1,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

5% Enhancement

Subtotals 2, 3, & 7 \$50

Notes

The penalty was enhanced due to one NOV for similar violations.

Culpability

No

0% Enhancement

Subtotal 4 \$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5 \$0

Before NOV

NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria.

0% Enhancement*

Subtotal 6 \$0

Total EB Amounts \$12

Approx. Cost of Compliance \$230

*Capped at the Total EB \$ Amount

SUM OF SUBTOTAL:

Final Subtotal \$1,050

OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount \$1,050

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$1,050

DEFERRAL

20%

Reduction

Adjustment -\$210

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$840

Screening Date 19-Jul-2007

Docket No. 2007-1269-MLM-E

PCW

Respondent Stagecoach Properties, Inc. dba Stagecoach Inn

Policy Revision 2 (September 2002)

Case ID No. 34222

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN105156533

Media [Statute] Air

Enf. Coordinator J. Craig Fleming

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component Number of...

Enter Number Here

Adjust.

NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The penalty was enhanced due to one NOV for similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 19-Jul-2007		Docket No. 2007-1269-MLM-E		PCW																
Respondent Stagecoach Properties, Inc. dba Stagecoach Inn		<i>Policy Revision 2 (September 2002)</i>																		
Case ID No. 34222		<i>PCW Revision June 26, 2007</i>																		
Reg. Ent. Reference No. RN105156533																				
Media [Statute] Air																				
Enf. Coordinator J. Craig Fleming																				
Violation Number		<div style="border: 1px solid black; padding: 2px; text-align: center;">1</div>																		
Rule Cite(s)		<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code §§ 111.201 and 330.15(c), and Tex. Health & Safety Code § 382.085(b)</div>																		
Violation Description		<div style="border: 1px solid black; padding: 2px;">Failed to prevent the unauthorized outdoor burning of municipal solid waste ("MSW") at an unauthorized site. Specifically, approximately 10 cubic yards of MSW material including vinyl siding, roofing material, metal, brush, and other debris were disposed of at the site by burning on January 24, 2007.</div>																		
Base Penalty				<div style="border: 1px solid black; padding: 2px; text-align: right;">\$10,000</div>																
>> Environmental, Property and Human Health Matrix																				
OR	<table border="1" style="margin: auto;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> <td style="text-align: center;">x</td> </tr> <tr> <td style="text-align: center;">Potential</td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> </tr> </table>					Harm			Release	Major	Moderate	Minor	Actual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	x	Potential	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>
		Harm																		
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Percent				<div style="border: 1px solid black; padding: 2px; text-align: right;">10%</div>																
>> Programmatic Matrix																				
OR	<table border="1" style="margin: auto;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Falsification</td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> </tr> </table>					Major	Moderate	Minor	Falsification	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>								
		Major	Moderate	Minor																
	Falsification	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																
Percent				<div style="border: 1px solid black; padding: 2px; text-align: right;">0%</div>																
Matrix Notes		<div style="border: 1px solid black; padding: 2px;">Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.</div>																		
Adjustment				<div style="border: 1px solid black; padding: 2px; text-align: right;">\$9,000</div>																
				<div style="border: 1px solid black; padding: 2px; text-align: right;">\$1,000</div>																
Violation Events																				
Number of Violation Events		<div style="border: 1px solid black; padding: 2px; text-align: center;">1</div>	Number of violation days																	
<i>mark only one with an x</i>		daily	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																	
		monthly	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																	
		quarterly	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																	
		semiannual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																	
		annual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																	
		single event	x																	
Violation Base Penalty				<div style="border: 1px solid black; padding: 2px; text-align: right;">\$1,000</div>																
One single event is recommended.																				
Economic Benefit (EB) for this violation																				
Estimated EB Amount		<div style="border: 1px solid black; padding: 2px; text-align: right;">\$12</div>	Statutory Limit Test																	
			Violation Final Penalty Total																	
			<div style="border: 1px solid black; padding: 2px; text-align: right;">\$1,050</div>																	
This violation Final Assessed Penalty (adjusted for limits)				<div style="border: 1px solid black; padding: 2px; text-align: right;">\$1,050</div>																

Economic Benefit Worksheet

Respondent Stagecoach Properties, Inc. dba Stagecoach Inn

Case ID No. 34222

Reg. Ent. Reference No. RN105156533

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$230	24-Jan-2007	1-Feb-2008	1.0	\$12	n/a	\$12
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost to properly dispose of approximately 10 cubic yards of waste at a permitted municipal solid waste landfill at \$13 per cubic yard. Additionally, the cost includes \$100 for the use of equipment and personnel to load and haul the waste to a permitted municipal solid waste landfill. The Date Required was the date of the violation. The Final Date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

NA

Approx. Cost of Compliance

\$230

TOTAL

\$12

Compliance History

Customer/Respondent/Owner-Operator: CN601180664 Stagecoach Properties, Inc. Classification: AVG. Rating: 0.16
Regulated Entity: RN105156533 STAGECOACH INN Classification: AVG. BY Site Rating: 3.01
DEFAULT

ID Number(s):

Location: 401 S STAGECOACH RD, SALADO, TX, 76571

TCEQ Region: REGION 09 - WACO

Date Compliance History Prepared: July 18, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 18, 2002 to July 18, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: J. Craig Fleming Phone: (512) 239-5806

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
 - B. Any criminal convictions of the state of Texas and the federal government.
N/A
 - C. Chronic excessive emissions events.
N/A
 - D. The approval dates of investigations. (CCEDS Inv. Track. No.)
1 07/13/2007 (566503)
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
Date: 02/09/2007 (539215)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter B 111.201
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Found to be in violation of 30 TAC Chapter 111, Subchapter B, Rule 111.201
 - F. Environmental audits.
N/A
 - G. Type of environmental management systems (EMSs).
N/A
 - H. Voluntary on-site compliance assessment dates.
N/A
 - I. Participation in a voluntary pollution reduction program.
N/A
 - J. Early compliance.
N/A
- Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
STAGECOACH PROPERTIES, INC.
DBA STAGECOACH INN
RN105156533**

§ **BEFORE THE**
§
§ **TEXAS COMMISSION ON**
§
§
§ **ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1269-MLM-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Stagecoach Properties, Inc. dba Stagecoach Inn ("Stagecoach") under the authority of TEX. HEALTH & SAFETY CODE chs. 361 and 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Stagecoach appear before the Commission and together stipulate that:

1. Stagecoach owns and operates a motel and restaurant at 401 South Stagecoach Road in Salado, Bell County, Texas (the "Site").
2. The Site involves or involved the management of municipal solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361, and consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE ch. 382.003(12).
3. The Commission and Stagecoach agree that the Commission has jurisdiction to enter this Agreed Order, and that Stagecoach is subject to the Commission's jurisdiction.
4. Stagecoach received notice of the violations alleged in Section II ("Allegations") on or about July 18, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Stagecoach of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of One Thousand Fifty Dollars (\$1,050) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Stagecoach has paid Eight Hundred Forty Dollars (\$840) of the administrative penalty and Two Hundred Ten Dollars (\$210) is deferred contingent upon Stagecoach's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Stagecoach fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Stagecoach to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Stagecoach have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Stagecoach has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Site, Stagecoach is alleged to have failed to prevent unauthorized outdoor burning, in violation of 30 TEX. ADMIN. CODE §§ 111.201 and 330.15(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during investigations conducted on January 29, 2007 and July 3, 2007. Specifically, approximately 10 cubic yards of municipal solid waste material including vinyl siding, roofing material, metal, brush, and other debris were disposed of at the Site by burning on January 24, 2007.

III. DENIALS

Stagecoach generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Stagecoach pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Stagecoach's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Stagecoach Properties, Inc. dba Stagecoach Inn, Docket No. 2007-1269-MLM-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that Stagecoach shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, cease all unauthorized burning;
 - b. Within 30 days after the effective date of this Agreed Order, remove all remains of the burn piles, vinyl siding, roofing material, metal, and other debris from the Site and dispose of the waste at an authorized facility; and
 - c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

3. The provisions of this Agreed Order shall apply to and be binding upon Stagecoach. Stagecoach is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.
4. If Stagecoach fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Stagecoach's failure to comply is not a violation of this Agreed Order. Stagecoach shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Stagecoach shall notify the Executive Director within seven days after Stagecoach becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Stagecoach shall be made in writing to the Executive Director. Extensions are not effective until Stagecoach receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Stagecoach in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Stagecoach, or three days after the date on which the Commission mails notice of the Order to Stagecoach, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.


Stagecoach Properties, Inc. dba Stagecoach Inn
DOCKET NO. 2007-1269-MLM-E

Page 5

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

1/29/08
Date

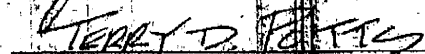
I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature


TERRY D. PETTIS

Name (Printed or typed)
Authorized Representative of
Stagecoach Properties, Inc. dba Stagecoach Inn

Date

1/16/08
ENGINEERING OFFICE
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

